

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

RONTONIO B. CAMPBELL,

Case No. 3:-09-cv-095

Plaintiff,

-vs-

**District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz**

**CHILLICOTHE CORRECTIONAL
INSTITUTION, et al.,**

Defendants.

**ENTRY AND ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATIONS (Doc. #4) IN ITS ENTIRETY AND
ORDER TO THE CLERK**

This matter is before the Court for review prior to issuance of process. Pro se Plaintiff Rontonio B. Campbell ("Campbell") is a prisoner within the meaning of 28 U.S.C. § 1915A(c).

A district court must screen prisoner complaints under both 28 U.S.C. §§ 1915A and 1915(e)(2). If a Complaint, when screened, is frivolous or malicious, fails to state a claim upon which relief can be granted or seeks monetary relief against a defendant who is immune from such relief, the case must be dismissed. 28 U.S.C. § 1915(e)(2).

Upon said review, Magistrate Judge Merz finds that nothing in Campbell's Complaint states any claim against Defendant Dennis Bailey. Magistrate Judge Merz further finds that the other two named defendants, two state agencies, are arms or agencies of the State of Ohio for carrying out criminal sentences and, that since Campbell's Complaint seeks money damages from the State of Ohio Treasury, this Court lacks subject matter jurisdiction over these claims.

Magistrate Judge Merz, therefore, recommends that Campbell's complaint be dismissed without prejudice and that no process should issue pending further order of this Court.

The District Judge has made a de novo review of the record on this matter pursuant to 28 U.S.C. § 636(b) and Fed.R.Civ.P. 72(b). Upon consideration of the foregoing, the ADOPTS the Magistrate Judge's Report and Recommendations in its entirety. Campbell's Complaint is DISMISSED without prejudice and the Clerk is ordered not to issue process in this case pending further order of this Court.

DONE and **ORDERED** in Dayton, Ohio, this Thirtieth day of March, 2009.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Rontonio B. Campbell at his last known address